



# California Fair Political Practices Commission

June 7, 1989

Honorable Peter R. Chacon, Chairman  
California Legislature Hispanic Caucus  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0001

Re: Your Request for Advice  
Our File No. A-89-274

Dear Assemblyman Chacon:

This is in response to your request for advice on behalf of the California Legislature Hispanic Caucus, regarding application of the campaign contribution provisions of the Political Reform Act (the "Act").<sup>1</sup>

As was discussed in a telephone conversation with your staff on June 5th, this letter was delayed slightly by the Commission meeting on June 6th. This letter confirms the general advice provided to your staff in the course of that conversation.

## QUESTIONS

1. If you or any other member of the Hispanic Legislative Caucus are officeholders of a nonprofit corporation and control the solicitation and expenditure of funds, will the corporation be considered a controlled committee?
2. If none of the Caucus members serve as officers of the corporation, but one of your staff assumes an office in the corporation, would the corporation be considered a controlled committee?
3. Would the result be different if the corporation does not sponsor events, send out mailings, or otherwise support activities

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<sup>1</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

in the district of any of the Caucus members who serve on the board of directors?

4. Would it make any difference if the corporation's activities are confined to one or more of the following:

a. Sponsoring a fellowship program for Hispanics to work in the Legislature?

b. Conducting educational seminars for Hispanics who want to participate in the legislative process?

c. Sponsoring cultural events and celebrations in Sacramento?

d. Conducting educational sessions for Hispanic elected officials and their employees?

e. Organizing or assisting groups and individuals that wish to advocate before the Legislature on specific legislative issues?

#### ANSWERS

1. If, as officers of the corporation, you would have significant influence on the actions or decisions of the corporation, including the solicitation and expenditure of funds, and the corporation receives contributions or makes expenditures of \$1,000 or more in a calendar year, it would qualify as a controlled committee.

2. If a member of your staff, acting as your agent, assumes an office in the corporation, and has a significant influence on the actions of the corporation, the result would be the same as number 1.

3. The fact that the corporation makes contributions or expenditures only to candidates other than those who control it would not alter its status as a controlled committee. Furthermore, if the corporation uses contributions received to make contributions to other candidates, it would violate the transfer provisions of Section 85304.

4. a,b,c,d and e. The activities listed would appear to be related to your duties as an officeholder rather than to a personal purpose. Donations made to the corporation at your behest to fund these activities would therefore be contributions. In addition, activities relating to conducting educational sessions for Hispanic elected officials, as set forth in your question 4.d., might constitute a contribution and transfer of funds to another elected official in violation of Section 85304.

### FACTS

The Hispanic Caucus would like to establish a nonprofit corporation ("corporation") to conduct a number of educational and legislative efforts, including legislative advocacy. The Caucus is considering transferring control of an existing charitable nonprofit corporation, The California Hispanic Caucus ("Caucus corporation"), established by Assemblyman Calderon in 1988, to the new corporation. At present Assemblyman Calderon is president of the Caucus corporation. No money has been contributed to the Caucus corporation in the past year. You do not wish to make the transfer if the result will be that the new corporation will be considered a controlled committee under the Act.

### ANALYSIS

A committee is a person or combination of persons who receives contributions or makes expenditures of \$1,000 or more in a calendar year. (Section 82013.) "Contributions" and "expenditures" are defined in the Act, in part, as payments made for political purposes. (Sections 82011 and 82025.) "Person" includes a corporation. (Section 82047.) A controlled committee is defined under the Act as follows:

"Controlled committee" means a committee which is controlled directly or indirectly by a candidate or state measure proponent or which acts jointly with a candidate, controlled committee or state measure proponent in connection with the making of expenditures. A candidate or state measure proponent controls a committee if he, his agent or any other committee he controls has a significant influence on the actions or decisions of the committee.

(Section 82016, emphasis added.)

Therefore, the proposed nonprofit corporation would be a controlled committee if it receives or makes payments of \$1,000 or more in a calendar year for political purposes and (1) a candidate, his or her agent or any other committee he or she controls has a significant influence on the actions or decisions of the committee or (2) it acts jointly with a candidate, other controlled committee or state measure proponent in connection with making an expenditure.

Under the bylaws that you provided, the director of the corporation would be an elected state officer and the director would have control over the affairs of the corporation, including the receipt and disbursement of funds. Therefore, if the corporation receives contributions or makes expenditures of \$1,000 or more in a calendar year for political purposes, it would be a controlled committee. (Thompson Advice Letter, No. A-88-487; Watson Advice Letter, No. A-83-158, copies enclosed.) If a member

of your staff assumes an office in the corporation, and is acting as your agent, the result would be the same. (Section 82016, supra.)

The fact that the corporation makes contributions or expenditures only to candidates other than those who control it would not alter its status as a controlled committee. It would still be making contributions and expenditures and it would still be controlled by candidates. Furthermore, if the corporation uses contributions received to make contributions to other candidates, it would violate the transfer provisions of Section 85304 prohibiting transfers of funds between a controlled committee and another candidate.

Therefore, assuming that the activities of the corporation, including the solicitation and expenditure of funds, would be controlled by the Caucus members or their agents, the remaining issue is whether or not donations to the corporation are contributions and whether or not payments made by the corporation are contributions or expenditures for political purposes within the Act.

A payment is made for political purposes, and is thus a contribution under the Act, if it is received by or made at the behest of a candidate, unless it is clear from the surrounding circumstances that the payment was received or made for personal purposes unrelated to his or her candidacy or status as an officeholder. A payment is "made at the behest" if it is made under the control or direction of, in cooperation, consultation, coordination, or concert with, or at the request or suggestion of a candidate, controlled committee or organization formed primarily for political purposes. (Regulation 18215, copy enclosed.)

Payments made to a corporation controlled by you at your behest would therefore be contributions, unless the surrounding circumstances clearly show that the payments were received for personal purposes unrelated to candidacy or status as an officeholder. (Thompson, supra, at p. 4.) Sponsoring a fellowship program for Hispanics to work in the Legislature would appear to be an expenditure related to your duties as an officeholder rather than a personal purpose. Donations made to the corporation for this purpose would therefore be contributions.

If you or other candidates are involved in the decisions of the corporation, a payment made by the corporation would be a political expenditure, unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure made by a candidate is considered to be an expenditure for political purposes, unless it is clear from surrounding circumstances that it was made for personal purposes unrelated to his or her candidacy or status as an officeholder. (Regulation 18225(a)(2)(A), copy enclosed.)

The other alternative corporate activities that you propose would seem to be related to your status as an officeholder and subject to the same analysis. In addition, activities relating to conducting educational sessions for Hispanic elected officials (your question 4(d)), might constitute a contribution and transfer of funds to another elected official in violation of Section 85304.

This advice letter provides a cautious and conservative interpretation of the Act by staff. If you would like to have this issue presented to the Commission for consideration at a future meeting, please contact me.

If you have any further questions, please contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel

A handwritten signature in cursive script, appearing to read "Margaret W. Ellison".

By: Margaret W. Ellison  
Counsel, Legal Division

KED/MWE:aa

Enclosures

SENATORS  
RUBEN AYALA  
JOSEPH MONTEYA  
ART TORRES

# California Legislature

## Hispanic Caucus

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0001  
445-7610

ASSEMBLY MEMBERS  
CHARLES CALDERON  
RICHARD POHANO  
LUCILLE ROYBAL-ALLARD

ASSEMBLYMAN PETER R. CHACON  
CHAIRMAN

May 4, 1989

John Larson, Chair  
Fair Political Practices Commission  
P.O. Box 807  
Sacramento, California 95814

Dear Mr. Larson:

As Chair of the California Hispanic Legislative Caucus, I request advice pursuant to Section 83114(b) of the Political Reform Act. The Caucus would like to establish a non-profit corporation to conduct a number of educational and legislative efforts, including legislative advocacy. The Caucus is composed of four Assemblymembers and three Senators.

There is an existing charitable non-profit corporation which was established in 1988 by Assemblyman Calderon to accomplish similar objectives (bylaws attached). At present, Assemblyman Calderon is the president of the corporation. No money has been contributed to the corporation in the past year. We are considering transferring control of this corporation to the Hispanic Legislative Caucus. However, I do not want to do this if the result will be that the corporation will be considered a controlled committee. I would like your advice on the following:

1. If I or any other member of the Hispanic Legislative Caucus are officeholders of the corporation and control the solicitation and expenditure of funds, will the corporation be considered a controlled committee?
2. If none of the Caucus members serve as officers of the corporation, but one of my staff members assumes an office in the corporation, would the corporation be considered a controlled committee?

John Larson, Chair  
May 4, 1989  
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3. Would the result be different if the corporation does not sponsor events, send out mailings, or otherwise support activities in the district of any of the Caucus members who serve on the board of directors?

4. Would it make any difference if the corporation's activities are confined to one or more of the following:

- a. Sponsoring a fellowship program for Hispanics to work in the Legislature?
- b. Conducting educational seminars for Hispanics who want to participate in the legislative process?
- c. Sponsoring cultural events and celebrations in Sacramento?
- d. Conducting educational sessions for Hispanic elected officials and their employees?
- e. Organizing or assisting groups and individuals that wish to advocate before the Legislature on specific legislative issues?

I would appreciate your prompt response. If you have any questions regarding this request, please contact Luisa Menchaca at (916) 445-7610.

Sincerely,



PETER R. CHACON, Chair

PRC:Mlj  
Attachment

BYLAWS OF  
THE CALIFORNIA HISPANIC CAUCUS  
A CALIFORNIA NONPROFIT PUBLIC BENEFIT CORPORATION

ARTICLE 1.

CORPORATE NAME

The name of this Corporation is The California Hispanic  
Caucus.

ARTICLE 2.

PRINCIPAL OFFICE(S)

Section 1. Principal Office.

The principal office for the transaction of the  
activities and affairs of the Corporation is located at the State  
Capitol, Room 6011, in Sacramento County, California. The  
Director/President and officers may, however, agree to change the  
principal office from one location to another within the named  
County by noting the changed address and effective date below,  
and such changes of address shall not be deemed an amendment of  
these Bylaws:

\_\_\_\_\_ Dated: \_\_\_\_\_, 19\_\_

\_\_\_\_\_ Dated: \_\_\_\_\_, 19\_\_

\_\_\_\_\_ Dated: \_\_\_\_\_, 19\_\_

Section 2. Other Offices.

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The Director/President and officers may at any time establish branch or subordinate offices at any place or places where the Corporation is qualified to conduct its activities.

### **ARTICLE 3.**

#### **GENERAL PURPOSE**

##### Section 1. Objectives and Purposes.

The primary objectives and purposes of this Corporation shall be to inform and educate the Hispanic community of the California legislative process and of issues, affairs and matters which are of concern to the community.

### **ARTICLE 4**

#### **MEMBERS**

##### Section 1. Members.

This Corporation shall have no members.

### **ARTICLE 5.**

#### **CORPORATE POWERS**

##### Section 1. General Corporate Powers.

Subject to the provisions and limitations of the California Nonprofit Public Benefit Corporation Law and any other applicable laws, and subject to any limitations of the Articles of Incorporation or Bylaws regarding actions that require approval of the members, the Corporation's activities and affairs

shall be managed, and all corporate powers shall be exercised, by or under the direction of the Director.

Section 2. Specific Powers.

The Director/President shall have the power to:

(a) Perform any and all duties imposed on him/her collectively or individually by law, by the Articles of Incorporation of this Corporation, or by these Bylaws.

(b) Appoint and remove, employ and discharge, and, except as otherwise provided in these Bylaws, prescribe the duties and fix the compensation, if any, of all officers, agents and employees of the Corporation.

(c) Supervise all officers, agents and employees of the Corporation to assure that their duties are performed properly.

(d) Meet at such times and places as required by these Bylaws.

(e) Change the principal office or the principal business office in California from one location to another; cause the Corporation to be qualified to conduct its activities in any other state, territory, dependency, or county and conduct its activities within or outside California; and designate any place within or outside California for holding any meeting of members.

(f) Borrow money and incur indebtedness on behalf of the Corporation and cause to be executed and delivered for the Corporation's purposes, in the corporate name, promissory notes, bonds, debentures, deed of trust, mortgages, pledges,

hypothecations, and other evidences of debt and securities.

Section 3. Number and Qualification of Director(s).

(a) The authorized number of Directors shall be one (1). The qualifications for the Director are that he/she be a member of the California Assembly or Senate and the Hispanic Legislative Caucus.

(b) No more than 49 percent of the persons serving on the Board may be interested persons. An interested person is (i) any person compensated by the Corporation for services rendered to it within the previous 12 months, whether as a full-time or part-time employee, independent contractor, or otherwise, excluding any reasonable compensation paid to a Director as Director; and (ii) any brother, sister, ancestor, descendent, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of such person. However, any violation of the provisions of this paragraph shall not affect the validity or enforceability of any transaction entered into by the Corporation.

Section 4. Designation and Term of Years.

The Director shall be designated by The Hispanic Legislative Caucus.

The Director shall hold office for a term of years to be determined by The Hispanic Legislative Caucus and until a successor has been designated and qualified.

Section 5. Compensation.

The Director shall serve without compensation except that he/she shall be allowed and paid their actual and necessary expenses incurred in attending any meeting, conference or reasonably related activity pertaining to the Corporation. In addition, the Director shall be allowed reasonable advancement or reimbursement for expenses incurred in the performance of their regular duties as specified in Article 5, Section 2 of these Bylaws. The Director shall not be compensated for rendering services to the Corporation in any capacity and in accordance with Section 3(b) of this Article.

## ARTICLE 6.

### MEETINGS

#### Section 1. Meetings.

Meetings of the Director/President, officer(s) and agent(s) of the Corporation shall be held at the principal office of the Corporation unless otherwise provided by the Director. The meetings may be held without notice at such time and place as the Director may fix from time to time.

#### Section 2. Meetings by Telephone.

Any meeting may be held by conference telephone or similar communication equipment, as long as all Directors(s), officer(s) or agent(s) participating in the meeting can hear one another. All such director(s), officer(s) or agent(s) shall be deemed to be present in person at such a meeting.

## ARTICLE 7.

### CORPORATE OFFICERS

#### Section 1. Officers.

The officers of the Corporation shall be a Director/President, Secretary and Chief Financial Officer/Treasurer. Any number of offices may be held by the same person except that neither the Secretary nor the Treasurer may serve as the President or Chairman of the Board.

#### Section 2. Appointment of Officers.

The officers of the Corporation shall be appointed by the Director/President. Each officer so appointed shall have the title, hold office for the period, have the authority, and perform the duties specified in the Bylaws or as determined by the Director/President.

#### Section 3. Removal of Officers.

Without prejudice to any rights of an officer under any contract of employment, any officer may be removed with or without cause by the Director/President and also, if the officer was not chosen by the Director, by any officer whom the Director may confer that power of removal.

#### Section 4. Resignation of Officers.

Any officer may resign at any time by giving written or oral notice to the Corporation. The resignation shall take effect as of the date the notice is received or at any later time specified in the notice and, unless otherwise specified in the

notice, the resignation need not be accepted to be effective. Any resignation shall be without prejudice to the rights, if any, of the Corporation under any contract to which the officer is a party.

Section 5. Duties of Director.

The Director shall be the President of the Corporation and shall supervise and control the affairs of the Corporation and the activities of the officers. He or she shall perform all duties incident to his or her office and such other duties as may be required by law, by the Articles of Incorporation of this Corporation and these Bylaws.

The Director/President shall preside at all meetings of the staff. Except as otherwise expressly provided by law, by the Articles of Incorporation, or by these Bylaws, he or she shall, in the name of the Corporation, execute such deeds, mortgages, bonds, contracts, checks, or other instruments which may from time to time be necessary.

Section 6. Duties of Secretary.

The Secretary shall:

Certify and keep at the principal office of the Corporation the original, or a copy, of these Bylaws as amended or otherwise altered to date.

Keep at the principal office of the Corporation or at such other place as the Board may determine, a book of minutes of all meetings of the staff, and, if applicable, meetings of

committees of Directors and of members, recording therein the time and place of holding, whether regular or special, how called, how notice thereof was given, the names of those present or represented at the meeting, and the proceeding thereof.

See that all notices are duly given in accordance with the provisions of these Bylaws or as required by law.

Be custodian of the records and of the Seal of the Corporation and see that the Seal is affixed to all duly executed documents, the execution of which on behalf of the Corporation under its Seal is authorized by law or by these Bylaws.

Keep at the principal office of the Corporation a membership book containing the name and address of each and any member(s), and, in the case where any membership has been terminated, he or she shall record such fact in the membership book together with the date on which such membership ceased.

In general, perform all duties incident to the office of Secretary and such other duties as may be required by law, by the Articles of Incorporation of this Corporation, or by these Bylaws, or which may be assigned to him or her from time to time by the Director/President.

Section 7. Duties of Treasurer.

Subject to the provisions of these Bylaws relating to the "Execution of Instruments, Deposits and Funds," the Treasurer shall:

Have charge and custody of, and be responsible for, all funds and securities of the Corporation, and deposit all such funds in the name of the Corporation in such banks, trust companies, or other depositories as shall be selected by the Corporation's Director, Secretary and Treasurer.

Receive, and give receipt for, monies due and payable to the Corporation from any source whatsoever.

Disburse or cause to be disbursed the funds of the Corporation as may be directed by the Director/President and/or Secretary, taking proper vouchers for such disbursements.

Keep and maintain adequate and correct accounts of the Corporation's properties and business transactions, including accounts of its assets, liabilities, receipts, disbursements, gains and losses.

Exhibit at all reasonable times the books of account and financial records to any Director of the Corporation, or to his or her agent or attorney, on request therefor.

Render to the Director, whenever requested, an account of any or all of his or her transactions as Treasurer and of the financial condition of the Corporation.

Prepare, or cause to be prepared, and certify, or cause to be certified, the financial statements to be included in any required reports.

In general, perform all duties incident to the office of Treasurer and such other duties as may be required by law, by the



Articles of Incorporation of the Corporation, or by these Bylaws, or which may be assigned to him or her from time to time by the Director.

Section 8. Compensation.

The salaries of the officers, if any, shall be fixed from time to time by either oral or written notice by the Director, and no officer shall be prevented from receiving such salary by reason of the fact that he or she is also a Director of the Corporation, provided, however, that such compensation paid a Director for serving as an officer of this Corporation shall only be allowed if permitted under the provisions of Article 5, Section 3(b) of these Bylaws. In all cases, any salaries received by officers of this Corporation shall be reasonable and given in return for services actually rendered the Corporation which relate to the performance of the charitable or public purposes of this Corporation.

**ARTICLE 8.**

**CORPORATE DIRECTOR, OFFICERS AND EMPLOYEE LIABILITY**

Section 1. Non-Liability of Director(s).

The Director(s) shall not be personally liable for the debts, liabilities, or other obligations of the Corporation.

Section 2. Indemnification by Corporation of Directors,  
Officers, Employees and Other Agents.

To the extent that a person, who is, or was, a Director, officer, employee or other agent of this Corporation has been successful on the merits in defense of any civil, criminal, administrative or investigative proceeding brought to procure a judgment against such person by reason of the fact that he or she is, or was, an agent of the Corporation, or has been successful in defense of any claim, issue or matter, therein, such person shall be indemnified against expenses actually and reasonably incurred by the person in connection with such proceeding.

If such person either settles any such claim or sustains a judgment against him or her, then indemnification against expenses, judgments, fines, settlements and other amounts reasonably incurred in connection with such proceedings shall be provided by this Corporation but only to the extent allowed by, and in accordance with the requirements of, Section 5238 of the California Nonprofit Public Benefit Corporation Law.

## ARTICLE 9.

### EXECUTION OF INSTRUMENTS, CHECKS, NOTES, ETC.

#### Section 1. Execution of Instruments.

The Director/President, except as otherwise provided in these Bylaws, may authorize any officer or agent of the Corporation to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances.

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Unless so authorized, no officer, agent, or employee shall have any power or authority to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable monetarily for any purpose or in any amount.

Section 2. Checks and Notes.

Except as otherwise specifically determined by the Director, or as otherwise required by law, checks, drafts, promissory notes, orders for the payment of money, and other evidence of indebtedness of the Corporation shall be signed by the Treasurer and countersigned by the Director/President of the Corporation.

Section 3. Deposits.

All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies, or other depositories as the Director, Secretary and Treasurer may select.

Section 4. Gifts.

The Director, Secretary or Treasurer may accept on behalf of the Corporation any contribution, gift, bequest, or device for the charitable or public purposes of this Corporation.

**ARTICLE 10.**

**CORPORATE RECORDS, REPORTS AND SEAL**

Section 1. Maintenance of Corporate Records.

The Corporation shall keep:

- (a) Adequate and correct books and records of account;
- (b) Written minutes of the proceedings of its Director, Secretary and Treasurer;
- (c) A copy of the Corporation's Articles of Incorporation and Bylaws as amended to date, which shall be open to inspection by the members, if any, of the Corporation at all reasonable times during office hours.

Section 2. Corporate Seal.

The Corporation may adopt, use, and at will alter, a corporate Seal. Such Seal shall be kept at the principal office of the Corporation. Failure to affix the Seal to corporate instruments, however, shall not affect the validity of any such instrument.

Section 3. Director's Inspection Rights.

Every Director shall have the absolute right at any reasonable time to inspect and copy all books, records and documents of every kind and to inspect the physical properties of the Corporation.

Section 4. Right to Copy and Make Extracts.

Any inspection under the provisions of this Article may be made in person or by agent or attorney and the right to inspection includes the right to copy and make extracts.

Section 5. Annual Statement of Specific Transactions to Members.

This Corporation shall mail or deliver to all Director(s) and any and all members a statement within one hundred and twenty (120) days after the close of its fiscal year which briefly describes the amount and circumstances of any indemnification or transaction of the following kind:

(a) Any transaction in which the Corporation, or its parent or its subsidiary was a party, and in which either of the following had a direct or indirect material financial interest;

- (1) any Director or officer of the Corporation, or its parent or subsidiary (a mere common directorship shall not be considered a material financial interest); or
- (2) any holder of more than ten percent (10%) of the voting power of the Corporation, its parent or its subsidiary.

The above statement need only be provided with respect to a transaction during the previous fiscal year involving more than Fifty Thousand Dollars (\$50,000) or which was one of a number of transactions with the same person involving, in the aggregate, more than Fifty Thousand Dollars (\$50,000).

Similarly, the statement need only be provided with respect to indemnifications or advances aggregating more than Ten Thousand Dollars (\$10,000) paid during the previous fiscal year to any Director or officer, except that no such statement need be made if such indemnification was approved by the members pursuant

to Section 5238(e)(2) of the California Nonprofit Public Benefit Corporation Law.

Any statement required by this Section shall briefly describe the names of the interested persons involved in such transactions, stating each person's relationship to the Corporation, the nature of such person's interest in the transaction and, where practical, the amount of such interest; provided, that in the case of a transaction with a partnership of which such person is a partner, only the interest of the partnership need be stated.

## ARTICLE 11.

### FISCAL YEAR

#### Section 1. Fiscal Year of the Corporation.

The fiscal year of the Corporation shall begin on January 1 and end on December 31 in each year.

## ARTICLE 12.

### BYLAW AND ARTICLES OF INCORPORATION AMENDMENTS

#### Section 1. Amendment.

Subject to any provision of law applicable to the amendment of Bylaws of public benefit nonprofit corporations, these Bylaws, or any of them, may be altered, amended, or repealed and new Bylaws adopted as follows:

(a) Subject to a fifty one percent (51%) vote of approval by the Director/President, Secretary and Treasurer.

#### Section 2. Amendment of Articles Before Admission of Members.

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Before any members have been admitted to the Corporation, any amendment of the Articles of Incorporation may be adopted by approval of the Director.

### ARTICLE 13.

#### MISUSE AND DISTRIBUTION OF CORPORATE PROFITS AND ASSETS

##### Section 1. Prohibition Against Sharing Corporate Profits and Assets.

No member, Director, officer, employee, or other person connected with this Corporation, or any private individual shall receive at any time any of the net earnings or pecuniary profit from the operations of the Corporation, provided, however, that this provision shall not prevent payment to any such person or reasonable compensation for services performed for the Corporation in effecting any of its public or charitable purposes, provided that such compensation is otherwise permitted by these Bylaws and is fixed by resolution of the Board of Directors; and no such person(s) shall be entitled to share in the distribution of, and shall not receive, any of the corporate assets on dissolution of the Corporation. All members, if any, of the Corporation shall be deemed to have expressly consented and agreed that on such dissolution or winding up of the affairs of the Corporation, whether voluntarily or involuntarily, the assets of the Corporation, after all debts have been satisfied, then remaining in the hands of the Director, shall be distributed





as required by the Articles of Incorporation of this Corporation and not otherwise.

**CERTIFICATE OF TREASURER**

I certify that I am the duly elected and acting Treasurer of The California Hispanic Caucus, a California nonprofit mutual benefit Corporation, that the above Bylaws, consisting of 17 pages, are the Bylaws of this Corporation as adopted by the Corporation Director and Treasurer on February 29, 1988 and that they have not been amended or modified since that date.

Executed on February 29, 1988 at the State Capitol, Sacramento, California.

Ruando Deedee

Treasurer



# California Fair Political Practices Commission

May 9, 1989

Honorable Peter Chacon  
Assembly Member  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0001

Re: Letter No. 89-274

Dear Assemblyman Chacon:

Your letter requesting advice under the Political Reform Act was received on May 8, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Margaret Ellison an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script that reads "Kathryn E. Donovan".

Kathryn E. Donovan  
General Counsel

KED:plh

82-374

JONES HALL HILL & WHITE,

A PROFESSIONAL LAW CORPORATION

ATTORNEYS AT LAW

JUL 13 1988

CHARLES F. ADAMS  
STEPHEN R. CASALEGGIO  
ANDREW C. HALL, JR.  
KENNETH I. JONES  
PHILIP NELSON LEE  
WILLIAM H. MADISON  
BRIAN D. QUINT  
PAUL J. THIMMIG  
SHARON STANTON WHITE

FOUR EMBARCADERO CENTER  
SUITE 1950

SAN FRANCISCO 94111

(415) 391-5780

AUTOMATIC TELECOPIER

(415) 391-5784

(415) 956-6308

July 11, 1988

Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, California 95814

RE: Contribution to Solano County Quality of Life Initiative

Gentlemen:

We have been advised by our client, the City of Fairfield, that our contribution to the captioned initiative measure in the amount of \$10,000 may require us to file a statement with the Fair Political Practices Commission. The City was advised by the firm of Townsend & Co., 1717 High Street, Suite B, Sacramento, California, 95814, that a filing may be necessary by reason of the size of our contribution. Please advise if a filing is required, and if so, we would appreciate your forwarding the necessary forms on to us so that we may complete them.

Very truly yours,



William H. Madison

cc: Andy Hall

WHM:peh:M7022

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# California Fair Political Practices Commission

July 18, 1988

William H. Madison  
Jones Hall Hill & White  
Attorneys at Law  
Four Embarcadero Center, Suite 1950  
San Francisco, CA 94111

Re: 88-274

Dear Mr. Madison:

Your letter requesting advice under the Political Reform Act was received on July 15, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

*Jeanne Pritchard*  
Jeanne Pritchard  
Chief

Technical Assistance and Analysis  
Division

JP:plh